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AREA CODE 801



September 25, 1969

Mr. Hubert C. Lambert  
Utah State Engineer  
442 State Capitol  
Salt Lake City, Utah 84114

Re: Provo River Water Users Association - Provo River  
Decree, paragraph 4(c)

Dear Mr. Lambert:

The written directive of your office by S. Bryce Montgomery, Hydrologic Engineer, dated September 19, 1969 to Mr. Hugh McKellar, Provo River Commissioner, relating to the delivery to Provo City of Provo River Water under paragraph 4(c) of the Provo River Decree has been reviewed by representatives of the Provo River Water Users Association and it is our conclusion that said directive is an erroneous interpretation of the Provo River Decree. Accordingly, the Provo River Water Users Association objects to said directive and hereby requests that the same be rescinded.

It is our view that paragraph 4(c) simply confirms the right of Provo City to use 16.5 second feet of the irrigation water awarded to it under paragraphs 4(a) and 4(b) for power purposes and does not award 16.5 second feet for irrigation purposes in addition to the quantity set forth in said paragraphs 4(a) and 4(b). It is our understanding that such has always been the interpretation of your office ever since the entry of the Provo River Decree, as shown by the reports of the successive Provo River Commissioners.

The Provo River Water Users Association has always been vitally concerned with the proper distribution of the waters of the Provo River since its rights, both in Provo River and Utah Lake, are dependent thereon. Such concern has been repeatedly called to the attention of your office. As we view it, the foregoing directive is contrary to the manner in which the waters of the Provo River have been historically distributed and administered. And so we are at a loss to understand why such a directive was issued ex parte without notice to or affording the Provo River Water Users Association, and others similarly situated, an opportunity to be heard thereon.

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We submit that the interests of all concerned require an immediate rescission of the foregoing directive with instructions to the Provo River Commissioner to continue to distribute the waters in accordance with the past practice, and that a hearing be held as soon as possible to afford all parties an opportunity to present their respective views. We suggest that such hearing be held in Provo, Utah on Thursday, October 2, 1969, at two o'clock P. M. if it will fit in with your schedule.

Your early response to the above will be appreciated.

Very truly yours



Joseph Novak

JN:rh

c.c. Hugh McKellar  
Provo River Commissioner  
81 East Center Street  
Provo, Utah 84601

Provo River Water Users Association  
217 First Security Bank Building  
Provo, Utah 84601